THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 21938 of 2005

Date:13-07-2007

Between:

B.Padmaja .. **PETITIONER**

AND

The A.P.State Financial Corporation rep. By its Chairman.

.. **RESPONDENT**

ORDER:

The petitioner seeks a writ of mandamus directing the respondent to stay the sale if any for recovery of amount of Rs.2,46,400/- under Section 52-A of the A.P. Revenue Recovery Act,1864 and all further proceedings as the petitioner is ready to pay the sum of Rs.2,46,400/- in four equal instalments starting from 20.10.2005 till 20.01.2006.

As the period of instalments starting from 20.10.2005 to 20.01.2006 has already been over, I am of the opinion that the prayer of the writ petition is not survived.

However, it is stated in the counter that while the Corporation was proceeding to take steps for recovery of the due amount payable by the petitioner, the petitioner's husband

Sri B.S.R.Anjaneyulu, approached the respondent-corporation to consider the closing of the loan account on OTS basis an the said request was considered and the respondent-corporation agreed to receive a sum of Rs.2,37 lakhs for the closure of the loan account on OTS basis. Accordingly, a letter, dated 18.10.2004 was issued calling upon the petitioner and her husband to close the loan account by 31.03.2005. Thereafter, the husband of the petitioner has issued two cheques on 15.08.2004 and 05.09.2004 in a sum of Rs.50,000/- each and both of them were dishonoured. Therefore, a notice was issued to the petitioner under the Revenue Recovery Act seeking to attach the movable properties and thereafter the petitioner sought time till 20.08.2004, but the amounts have not been paid. It is stated that the petitioner was due a sum of Rs.2,15,950/- as on 30.09.2005 and the counter was filed in November, 2005.

The perusal of the record goes to show that the request of the petitioner to clear the entire amount as on 20.08.2004 has already

been over and therefore, I am of the opinion that the petitioner is not entitled for any relief and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:13.07.2007
ccm